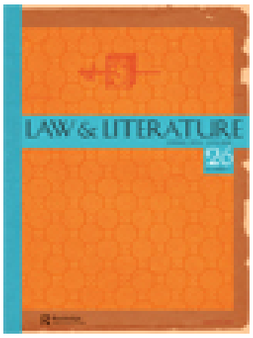

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Claudia Nitschke

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Metaphorical Contracts and Games: Goethe's *Götz von Berlichingen* and Schiller's *Fiesco*

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Abstract, The question of how to devise and justify political order for a secular age is still at the heart of political discourse today. Social contracts provided an early political and philosophical answer to these issues, but they also manifested themselves in eighteenth-century German literature: This article will examine how Johann Wolfgang von Goethe and Friedrich Schiller engaged with the specific propositions of contractarianism (in particular Thomas Hobbes's *Leviathan*) in selected scenes in *Götz von Berlichingen* (1773) and *Fiesco's Conspiracy at Genoa* (1783), respectively. In their interpretation of contractarian scenarios, Goethe and Schiller isolate the notion of utility which, they argue, reduces complex social cooperation and interaction to game-like scenarios, exclusively driven by calculation and rational decision making. Goethe's and Schiller's morally inflected deconstruction of Hobbes's thought experiment affords an insight into alternative models of social togetherness which place an emphasis on Bildung, evolution, mutuality, and recognition.

Keywords, Johann Wolfgang von Goethe, Friedrich Schiller, Thomas Hobbes, Carl Schmitt, Giorgio Agamben, contractarianism, contractualism, recognition, German theater, German literature, historical fiction, literature and history, law and literature, law in literature

The question of how to devise and justify political order for a secular age is still at the heart of political discourse today. Social contracts provided an early political and philosophical answer to these issues and they also manifested themselves in eighteenth-century German literature. This article examines how Johann Wolfgang von Goethe and Friedrich Schiller engage with the specific propositions of contractarianism (in particular Thomas Hobbes's *Leviathan*)[1] in selected scenes in *Götz von Berlichingen* (1773) and *Die Verschwörung des Fiesko zu Genua* (Fiesco's Conspiracy at Genoa, 1783), respectively. In their interpretation of contractarian scenarios, Goethe and Schiller isolate the notion of utility which, they argue, reduces complex social cooperation and interaction to game-like scenarios, exclusively driven by calculation and (ostensibly) rational decision

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making. In addition to this, Goethe challenges the Hobbesian notion of sovereignty: Hobbes introduces the Leviathan as a formidable guarantor of social peace. Goethe by contrast develops an understanding of sovereignty (in *Götz von Berlichingen*) which anticipates aspects of Carl Schmitt's decisionism and Giorgio Agamben's theory of the *Homo Sacer*, thus adopting a modern, even biopolitical perspective on power. Goethe's and Schiller's morally inflected deconstruction of Hobbes's thought experiment affords an insight into alternative models of social togetherness which place an emphasis on *Bildung*, evolution, mutuality, and recognition.

At the center of this analysis also lies a closer look at the metaphor which the plays systematically weaves into their political deliberations, or, to be more precise, through which the play renders its political agenda tangible and comprehensible: namely the discussions surrounding (social) contract theory to which Goethe's *Götz von Berlichingen* and Schiller's *Fiesco* respond and which both plays strategically undermine by taking its premises seriously. Goethe draws on another metaphor to drive this point home: he undercuts the seemingly self-evident contractual metaphor by tying it to a morally ambiguous game metaphor.[2] In the following, I will look firstly at this proximity between contracts and games in Goethe's *Götz* (1); secondly at Schiller's main objections against the constructivist underpinning of the social contract (2); and finally, again with Goethe's *Götz* in mind, a specific, emergent notion of sovereignty (3) which is at odds with the specific narrative proposed by contractarianism.

CONTRACTS AND GAMES

Contracts as Metaphors

Susanne Lüdemann examines literary strategies in social theory which help conceive of society as a totality: social theory, she suggests, depends on these rhetorical measures, in particular metaphors. For Lüdemann, the contract metaphor, in a similar manner as other prominent societal metaphors such as organism and mechanism, serves as an important representational mode of a society that is increasingly difficult to perceive as a whole.[3]

Distinguished from the notion of an organism or a specific mechanism (such as an automatic machine), the contract metaphor places an emphasis on the original contract which then regulates all social interrelations. As an imagined origin, it ends the infinite regression of historical causation by dint of a foundational myth, a legal fiction so to speak. Such a symbolic regulation of the social imaginary carries its own problems: in particular, the question of how culture and subjectivity interconnect. Many political theorists have examined the shortcomings and inconsistencies of Hobbes's contract theory; in the following, I

will focus on a literary critique and deconstruction of his imagery. First of all, it is striking that Hobbes's foundational story introduces the contract metaphor as a short-hand for a complex idea; in addition to that, and maybe more obviously, it unfolds a specific narrative by proposing a distinct set of premises from which it then infers seemingly incontrovertible conclusions. The two plays under scrutiny in this article employ specific strategies for these intersecting literary modes (metaphor and narrative), firstly by diversifying and denaturalizing the given, suasive narrative and, more importantly, by establishing an alternative metaphoric imagery.

Metaphors are particularly entangled with the intuitive perception of the world around us; the "interaction view of metaphor"[4] generally demonstrates how they can actually generate new insights without simply highlighting similarities between the source and target domain. Georg Lakoff and Mark Johnson's claim that a large proportion of our abstract concepts are structured metaphorically is a long-established theory in the area of cognitive studies.[5] At the same time, they propose that the range of metaphors relating to morality and justice is limited, as basic moral metaphors are rooted in bodily experience and social interactions: "We have found that the source domains of our metaphors for morality are typically based on what people over history and across cultures have seen as contributing to their well-being."[6] This connection of metaphorical representations of justice and visceral, self-evident embodied moral concepts can be extended to a specific conceptualization of "reason":[7] According to Hugo Mercier and Dan Sperber, reasoning is not a solitary intellectual process and "not an alternative to intuitive inference; reasoning is a use of intuitive inferences about reason."[8] The contract metaphor would indeed present such an intuitive shortcut, appealing to reason as a meta-representational inference mechanism: it formulates an intuitively logical, "reasonable" concept of appropriateness and justice, just like the social contract.

Self-Interest and Contract Theory in Götz von Berlichingen

Goethe's *Götz von Berlichingen* was loosely modelled on the life of the imperial knight Götz von Berlichingen (1480–1562). Götz's autobiography offered a useful blueprint for legal questions that proved relevant in the age of Goethe.[9] The major socio-political changes that cast their shadows in the fifteenth and sixteenth centuries were mirrored in the fundamental historical shifts in the eighteenth century at the time Goethe was writing *Götz* (culminating not much later in the American and French Revolution). The play itself broke new ground as a radical *Sturm und Drang* tragedy which provocatively transcended the Aristotelian unities of action, place and time. It shows how the highly independent Götz is forced into submission by the new, abstract and codified laws of

modern society, only capable of maintaining his freedom in death—this already summarizes the plot to an extent.

In order to understand the specific overlap of contracts and games better, I will first place an emphasis on Goetz' antagonists, namely his former friend Weislingen and the latter's lover Adelheid. It was the game theorist Ken Binmore who developed the idea of social contracts as games in his approach to natural justice. In his two-volume *Game Theory and the Social Contract* (1994 and 1998) Binmore proposes a naturalistic reinterpretation of John Rawls's original position, offering a synthesis of rational decision taking and self-interest. I mention Binmore's argument here, even though it takes another direction on the whole, because rational decision taking and self-interest are the two motivations that stand out in Goethe's text as well; and, as in Binmore's approach, they are seen in close connection with the social contract. Rather fittingly in this connection, Adelheid is thus introduced as a cunning chess player. The overt political and power technological connotations of this game are playfully considered by Adelheid and the courtier Liebebrand: while Adelheid sees chess as an intellectual practice, Liebebrand directly homes in on the power dynamics forcefully expressed in the object of the game. He marvels at the idea that a king supposedly promoted the invention of chess, and concludes that only an infantile and effeminate weakling could have done so. For Liebebrand, adherence to morality and political incompetence go hand in hand; naïve rulers who are oblivious to their precarious position are bound to overlook the political undercurrent of the game. This impermanence of power which the scene carefully distills unmistakably cross-references Niccolò Machiavelli's thoughts on retention of power in his (obviously very different) treatises *Discorsi sopra la prima deca di Tito Livio* (Discourses on Livy) and *Il Principe* (The Prince), which were posthumously published in 1531 and 1532, respectively.[10] For Machiavelli, in the political sphere the law of the (physically and intellectually) strongest applies; morality and justice take no precedence, hence the infamous encouragement of preventive dishonesty: "A wise ruler [...] cannot and should not keep his word when such an observance would be to his disadvantage, and when the reasons that caused him to make a promise are removed. If men were all good, this precept would not be good. But since men are a wicked lot and will not keep their promises to you, you likewise need not keep yours to them."[11]

Based on this particular argument which places the honest ruler at a disadvantage Ottfried Höffe identifies a direct analogy between Machiavelli's line of reasoning and game theory as both prioritize an interest-driven, strategic rationale.[12] In a very similar way, Adelheid's *modus operandi* which underlies her qualities as a chess player and her political pursuits appears as strictly outcome-driven: strategic thinking is vital for the expected win, or, as game theory puts it, the expected pay-off. As the main machinator in the text, she is an important

link through which two seemingly discrepant metaphors suddenly seem organically intertwined. With this specific emphasis in mind, her ideas indeed echo fundamental anthropological assumptions of Hobbes's contractarianism, in particular a notion of rationally implemented self-interest.[13]

It is instructive to take a closer look at the history of self-interest, as it tangibly resurfaces in the context Adelheid's and Weislingen's intimate spheres. Personal interest became topical long before the Anglo-Dutch philosopher Bernard Mandeville postulated its importance in 1705. In his *Fable of the Bees*, Mandeville famously shared the following observations on mankind:

> They that examine into the Nature of Man, abstract from Art and Education, may observe, that what renders him a Sociable Animal, consists not in his desire of Company, Goodnature, Pity, Affability, and other Graces of a fair Outside; but that his vilest and most hateful Qualities are the most necessary Accomplishments to fit him for the largest, and, according to the World, the happiest and most flourishing Societies.[14]

Self-interest (*Eigennutz*) was particularly relevant in view of public interest: the latter stipulated as Johann Ferrarius suggested in 1601 "that nobody in any case ought to look at their own benefit."[15] He assumed that harmony would naturally arise if everyone, whilst pursuing their own tasks, avoided impeding anyone else from attending to theirs. This notion of 'harmonia' entails a normative requirement for every individual, and the public good ensuing from this was understood as a counterweight to the principle that Hobbes would later summarize as *homo homini lupus*.

The notion of public interest aimed to foster just governance and was thus different from a more modern category of legitimation, namely the *ragione di stato*, the reason of state, which was mainly intended to legitimize state actions, but not to criticize and reflect governance.[16] Self-interest under the reign of a public interest philosophy served as an umbrella term to denounce all kinds of anti-social behavior; coupled with public interest, the term established itself at the core of the normative system of a society in which a stable order was assumed and in which important tasks were allocated functionally to certain groups, again based on the notion of a comprehensive, divinely created harmony.[17] This organological conception of harmony which Winfried Schulze gleans from a set of early modern texts is obviously still indebted to the medieval concept of 'statehood'.[18] Following the notion of the body politic,[19] Paul Negelein compared the purpose of people in a societal context with the function of organs in the body: from this, he deduced an obligation for people to act in alignment with their ascribed social functions, which, he determined, proved not only natural but beneficial for everyone.[20]

As early as in 1564 Leonard Fronsberger proposed similar ideas which also partially anticipated Mandeville's famous claim that society benefits from vices in his *Lob des Eigennutzes* (Praise of Self-Interest). His thoughts resonate with Adam Smith's *Wealth of Nations*, published only three years after Goethe's *Götz* in 1776, as Fronsberger claimed that all economy and all private lives depended on self-interest. As prime example he adduced marriage: nobody, he reasoned, married because of public interest;[21] marriage must rather be perceived as an institution which accommodated basic human needs, ergo an institution basically propelled and sustained by self-interest. Public and self-interest were intimately interwoven in these ideas and feature as integral parts of a political concept of community which was centered around marriage and family.

The organological metaphors used in those social self-descriptions vividly convey—as hypotyposis—various aspects which are otherwise abstract, for example totality (in the sense of completeness), continuity, functional differentiation, indivisibility, undisputed boundedness of the system, etc.[22] Albrecht Koschorke and Susanne Lüdemann furthermore highlight that the sum of the body is more than its separate parts, a phenomenon referred to as *Übersummativität*. This specific *Übersummativität* does not only occur in the "body": it can equally be created by contracts between the social actors or by any structural continuities that emulate the workings of machines. This metaphorical modification then helps locate a significant conceptual shift, namely from Fronsberger or Negelein to Hobbes, from the body to the contractual community or the notion of the state machine,[23] which correlated to the development from a society that regarded itself as natural and unchangeable to a society primarily (but not exclusively) organized by functional needs.[24] While organological descriptions of society were underpinned by a functional teleology of each organ which automatically assured easy interoperation, the contractual metaphor which began to superimpose (but not entirely supplant) the body metaphor understood itself as historical and, indeed, man-made. Consequently, the previously dominant organological and natural conception of self-interest as a part of a naturally symbiotic synergy was more or less exhausted; instead, especially after the religious wars, the term self-interest became a seminal category to analyze and judge individual and political actions, as the theological and philosophical catalogue of virtues was more or less superseded by this new angle.[25]

Such reconfigured self-interest pervaded private and public areas, but also those concerned with organizational theory. For Goethe, it serves as a *tertium comparationis* which ties together Adelheid's semi-private ambitions and Weislingen's politically explicit propositions. Adelheid's comments on power and power retention bear an obvious resemblance to the ideas Machiavelli expounds in *The Prince*. Weislingen, on the other hand, takes his cue from Hobbes's social contract theory.[26] Obviously, Hobbes's macropolitical conclusions, arguing for and

justifying absolutism, were derived from the devastating civil wars fought in Europe between the sixteenth and seventeenth centuries.[27] However, in addition to the interest-driven politics practiced by the state, he was more generally aware of the analytical significance of individual calculation: "of the voluntary acts of every man the object is some *Good to himselfe*."[28] "For no man giveth but with intention of Good to himselfe; because Gift is Voluntary; and of all Voluntary Acts the object is to every man his own Good."[29]

Goethe's play closely aligns Adelheid's intrigue and Weislingen's political creed, not only because they are bound together as a couple, but rather because, for both—in a manner similar to Hobbes's reflections—self-interest forms the decisive element of individual, social, and political interaction. *Götz von Berlichingen* depicts a complicated political scenario in which the imperial estates are pitted against the head of the Holy Roman Empire with whom Götz keeps faith. The emperor himself is deeply aware of the potential disintegration of his empire and strikingly connects the centrifugal tendencies to an analysis of the economical:

> Thus it goes: —If a merchant loses a bag of pepper, all Germany must be in arms; but when business occurs in which the Imperial Majesty is interested, should it concern dukedoms, principalities, or kingdoms, not a man must be disturbed.[30]

The damaging influence of particular interests comes to the fore when small personal advantages significantly compromise the emperor's ability to assert the public good of the Empire. In *Götz von Berlichingen*, the merchants embody the new version of self-interest which no "invisible hand"—as the emperor sees it—directs toward universally available prosperity. On the contrary, the bag of pepper that the emperor symbolically singles out references a petty shortsightedness which is bound to overlook any long-term or large-scale problems.

When Götz breaks down the problem, however, he arrives at a simple insight: not much would have to change, "[h]ave I not known worthy men among the princes? and can the breed be extinct?—Men happy in their own minds and in their undertakings that could bear a petty brother in their neighbourhood without feeling either dread or envy [...]. Every one will then keep and improve his own, instead of reckoning nothing gained that is not ravaged from their neighbours."[31] Any community, however, that is driven by a for-profit zero-sum game will disintegrate and dissolve the actual, organic connections between the estates and people.

Weislingen counters this notion with a very different interpretation, proposing an initially convincing formula:

> You [Götz] look at the princes, just like the wolf upon the shepherd. And yet canst thou blame them for uniting in the

> defence of their territories and property? Are they a moment secure from the unruly chivalry of your free knights, who plunder their vassals upon the very high-road, and sack their castles and towns? While upon the frontiers the public enemy threatens to overrun the lands of our dear Emperor, and, while he needs their assistance, they can scarce maintain their own security—is it not our good genius which at this moment suggests a mean of bringing peace to Germany, of securing the administration of justice, and giving to great and small the blessings of quiet? For this purpose is the confederacy; and dost thou blame us for securing the protection of the powerful Princes, instead of relying on that of the Emperor, who is so far removed from us, and is hardly able to protect himself.[32]

I will not dwell on the concrete political implications for the complex structure of the Holy Roman Empire which reverberate through these reflections. Instead, I will focus on the people's voluntary submission to the princes—encouraged by Weislingen—in exchange for protection and peace, which noticeably coincides with Hobbes's concepts of contracts and sovereignty in *Leviathan*. For Hobbes, mutual contracts end the state of nature in which "there is no place for Industry; because the fruit thereof is uncertain: and consequently no Culture of the Earth, no Navigation nor the use of commodities that may be imported by Sea; no commodious Building, no Instruments of moving, and removing such things as require much force; no Knowledge of the face of the Earth; no account of Time; no Arts; no Letters; no Society; and which is worst of all, continual feare, and danger of violent death; And the life of man, solitary, poor, nasty, brutish, and short."[33]

Hobbes thus emphasizes the urgency of a covenant which facilitates the transition from this so-called state of nature to a political society, a governed civil order. However, while animals are bound by a natural agreement, "that of men, is by Covenant only, which is Artificiall: and therefore it is no wonder if there be somwhat else required (besides Covenant) to make their Agreement constant and lasting; which is a Common Power, to keep them in awe, and to direct their actions to the Common Benefit."[34] As people's contracts are artificial, something else was necessary beside the covenant to ensure everyone's adherence to it. The power Hobbes had in mind was of course the biblically inspired sovereign *Leviathan,* who was to guarantee those newly acquired rights and liberties: in a similar vein, Weislingen envisions that the princes would do the same for their subjects.

Drawing on Hobbesian patterns of justification (while siding with the princes against the emperor who cannot, as Weislingen stresses, hold up his end of the

bargain), he promises, in particular, security and welfare in exchange for political subjugation. In so doing, Weislingen cites core elements of eighteenth-century theories on the purpose of the state[35] and theories of governmentality,[36] under which Foucault subsumes all procedures and institutions which regulate security *dispositifs* and the political economy. Rationalizing governance also meant that the metaphorical understanding of the ruler as shepherd or pastoralist shifted towards a *ratio gubernatoria*, a governmental approach.[37] The argument Weislingen puts forward is thus flawed by inconsistency, as the subtly introduced notion of a *quid pro quo* which forms the basis of Hobbes's social contract undercuts the accessible and familiar metaphor of the prince as pastoral caretaker. Hobbes details this *quid pro quo* further:

> [t]he bonds of words are too weak to bridle mens ambition, avarice, anger, and other Passions, without the feare of some coërcive Power; which in the condition of meer Nature, where all men are equall, and judges of the justeness of their own fears, cannot possibly be supposed. And, therefore, he which performeth first does, but betray himselfe to his enemy; contrary to the Right (he can never abandon) of defending his life; and means of living.[38]

Strikingly, Hobbes's scenario partly rephrases a classic game theoretical proposition: The so-called prisoner's dilemma is a standard example in game theory showing why two "rational" individuals might not cooperate, even if it appears in their best interests to do so:

> In the Prisoner's Dilemma game, there are two players. Each has two choices, namely cooperate or defect. Each must make the choice without knowing what the other will do. No matter what the other does, defection yields a higher payoff than cooperation. The dilemma is that if both defect, both do worse than if both had cooperated.[39]

In this very specific scenario of non-iterated, one-on-one games, distrust and betrayal come to dominate any cooperative strategy. This would not apply to social scenarios with repeated interactions between multiple agents; however, Hobbes identifies a similar, strict dominance of mutual distrust in the state of nature that the prisoner's dilemma suggests. From this, he extrapolates the requirement of a central authority charged with implementing and securing mutually beneficial cooperation. Weislingen arrives at a comparable conclusion: the princes assure (and can, contrary to the emperor, enforce) cooperation and

guarantee its inherent payoffs. The idea of rationally (artificially, not naturally) implemented self-interest is therefore deeply embedded in the moral design of Weislingen's political view: abiding by the laws, "playing it by the rule," pays off. Everybody wins.

In Goethe's play, the prospect of mutual gain is thus thrown into sharp relief as an intrinsic part of social contracts: it is also inextricably connected to rational anticipation and decision making. Insofar as Adelheid and Weislingen are the conspicuous driving force of the plot, the play suggests a proximity of power-craving machination and Hobbesian contractarianism under the banner of self-interest. In this sense, the state theorist Hasso Hofmann highlighted the economic character of classic contractarianism, since it not only focuses on individual happiness as a prerequisite and measure of sociality, but, and this is of particular importance, also assumes that individuals act rationally and self-interestedly.[40] In both contexts—economy and contractarianism—social interaction can only be understood in terms of reciprocity, a *quid pro quo*. Against this reductionist notion of sociality, the play pits its eponymous protagonist Götz with his multi-faceted ideas of honor and loyalty: however, he is set up for failure against an overwhelming new reality which was already firmly established by the eighteenth century.[41]

THE BASIS OF THE SOCIAL CONTRACT

Friedrich Schiller's Fiesco

Goethe was not the only one to question the ostensibly natural self-evidence of the social contract. In another *Sturm und Drang* play, Schiller similarly detected difficulties with contractarian propositions: the complex "republican tragedy" *Fiesco's Conspiracy at Genoa*, which—as the title suggests—revolves around politics, governance, and legitimacy, carefully aligns the individual history of its protagonists with the fate of the Genoese Republic, thus implying that the individual characters and their long-established personal and social relations cannot simply be omitted from any political model which seeks to explain and justify specific forms of government, but are an intrinsic, historically relevant part of it.

In line with my overall argument, I will focus on one scene in the play, in which the ambitious Fiesco recreates a social contract scenario: at an assembly of the Genoese citizens, Fiesco sketches out a thinly veiled analogy to the actual political situation in Genoa, referring to his opponent as a butcher's dog: "It was his custom to drive the animals to slaughter, so he lived like a dog in his kingdom, barked, bit, and gnawed at the bones of his people. The nation grumbled; the boldest came together and strangled their princely bulldog. [...] Now a

general assembly was held to decide upon the important question: what the best form of government would be."[42]

The audience interjects, demanding a democracy; and Fiesco confirms that the animals did so too: after its introduction, however, war is declared on the animals and, since "the Lamb, Hare, Stag, Donkey, the entire world of insects, the whole shy army of birds and fishes—all intervened and wailed: Peace,"[43] they are finally subjugated by men. Another heckler then postulates a select government which, Fiesco is quick to confirm, was indeed adopted: "*Wolves* saw to finance, *foxes* became their secretaries. *Doves* took charge of criminal justice, *tigers* of pleas and settlements, *billy goats* heard domestic disputes. The *hares* became soldiers; *lions* and *elephant* guarded the baggage train. The *Donkey* was the state ambassador, and the *Mole* oversaw the administration of all departments."[44]

He relates this fable with Machiavellian aplomb, elegantly undermining Enlightenment ideas of *Selbstdenken* (self-thinking) which are usually associated with the fable genre. In it, the monarchy emerges as the only viable form of government with Fiesco as its ideal ruler; but the fable does more. Quite fundamentally, it implies a contract theoretical scenario in which the animals—rationally, on the face of it—agree on the form of government which benefits everyone. All of that is in keeping with key assumptions of contractarianism: the normative legitimacy of the rules decided upon stems from the mutuality of the agreement.

Fiesco's speech and the subsequent debate also purportedly intend to assess the best rational strategy to maximize the citizens' personal interests; all of this compels the citizens to assent to a new (rather than a first, as in *Leviathan*) governmental authority, thus emulating processes that are at play in contractarian scenarios. Obviously, in *Fiesco*, the procedure falls significantly short of the forceful argument Hobbes makes with his thought experiment. Applied to this concrete scenario, it transpires that personal interest and rational decision making cannot be relied on, as the protagonist blatantly manipulates his listeners with his highly suggestive, albeit not entirely stringent conclusions.[45] More importantly, however, the contractual proposition—misused as a vehicle for Fiesco's ambitions—is in and of itself weak. Schiller's play already grapples with a specific 'temporal' dilemma, as Fiesco's 'contract' does not seem to require any preconditions. In other words: it suggests that any contract on which people are willing to agree rationally is viable, disregarding any other form of previous commitment. In his rejection of this notion, Schiller approximates Hegel's objections to Hobbes's social contract. For Hegel, the social contract cannot stipulate its own premises and is thus merely arbitrary. In *Fiesco*, Schiller seems to argue similarly that conventions must be based on a non-conventionalist basis in order to lay claim to legitimacy. For Hegel, recognition is the precondition which permits contracts in the first place.[46] The contract can only be understood as a convention between independent and free-willed individuals who anticipate an

emergent, mutual, and identical will. As opposed to Schiller,[47] Hegel was deeply suspicious of Kant's individualistic moral philosophy. He contrasted the categorial prioritization of the individual with the idea of a morally fully integrated society, sidestepping the temporal loop and replacing it with an evolutionary trajectory which traverses through different stages.[48]

The philosopher Thomas Scanlon has explicitly formulated ideas which resonate with Schiller's implications: "Besides being motivated by their own interests, Scanlon takes persons also to be moved by a certain form of respect for others. This leads to a [...] contract theory of interpersonal morality."[49] In this sense, Scanlon, much like Schiller, proceeds from a more extensive moral concept of right and wrong: "[A]n act is wrong if its performance under the circumstances would be disallowed by any set of principles for the general regulation of behavior that no one could reasonably reject as a basis for informed, unforced, general agreement."[50] He suggests a form of contractualism in which people ought to be guided "by a different kind of motivation, namely the aim of finding principles that others, insofar as they too have this aim, could not reasonably reject":[51] The question then would not be "what would be most likely to advance [persons'] interests or to produce agreement in their actual circumstances or in any more idealized situation, but rather a judgement about the suitability of certain principles to serve as the basis of mutual recognition and accommodation."[52]

By ridiculing the flawed foundational moment in the play (and by generally exposing Fiesco's personal weaknesses which mainly stem from his ambition and his negligence of others), Schiller endorses a more holistic viewpoint, defined by mutual respect, recognition, and a social development of morality, echoing aspects in Hegel's evolutionary argument. He additionally anticipates criticisms of communitarian theories, which point out that the self must find "its moral identity in and through its membership."[53] No individual that enters the contractual negotiations can be seen as an "unencumbered self" as contractarianism seems to require: "[A]s our constitutive self-understandings comprehend a wider subject than the individual alone, whether a family or a tribe or city or class or nation or people, to this extent they define a community in the constitutive sense."[54]

In the play, it is striking that Fiesco's failure to communicate and engage meaningfully with his spouse feeds directly into the politically relevant plot: when he eventually kills his wife in a political battle due to a tragic misunderstanding (which arises from his secrecy with which he surrounds itself even in his private life), Schiller further emphasises the integral importance of reciprocal recognition between individuals as an indispensable premise for any legitimate form of governance; providing the organic framework for such appropriate, social interactions appears the ultimate and solely justifiable goal of politics in the play. Fiesco, the vibrant *Sturm und Drang* character, is in this sense already

tied to the notion of Bildung, albeit only *ex negativo*. For Schiller, *Bildung* in this sense focuses on the individual interaction with the collective, 'society'; it must precede any distinct improvement of the 'state', an insight which he articulates very clearly after the French Revolution in his *Briefe über die ästhetische Erziehung* (Letters on the Aesthetic Education of Man, 1795).[55]

CONTRACTS AND SOVEREIGNTY IN GOETHE'S *GÖTZ VON BERLICHINGEN*

In view of a more comprehensive anthropological morality that necessarily antedates any contractual bond, Schiller therefore places the temporality of the social contract in question. In Goethe's *Götz,* further problems come to the fore. Common objections against Hobbes often highlight the circular layout of the foundational myth, as it projects back important prerequisites onto the state of nature.[56] The separation of a clearly defined before and after is indeed rejected in Goethe's play, in which Götz, after his imperial ban, finds himself simultaneously without and within the boundaries of sovereign power.

In his commentary on Carl Schmitt's *Der Begriff des Politischen* (The Concept of the Political, 1932), Leo Strauss emphasizes the distinct spatio-temporal disjunction of the civil order from the *status naturalis* which underpins Hobbes's approach[57]:

> The political, which Schmitt brings out as fundamental, is the 'state of nature' prior to all culture; Schmitt restores Hobbes's conception of the state of nature to a place of honor. That provides the answer to the question within which genus the specific difference of the political is to be placed: the political is the status of man, indeed the human status in the sense of the 'natural', the fundamental and extreme status of men.[58]

Giorgio Agamben—intensifying Carl Schmitt's criticism of Hobbes—is equally interested in the distinction between the state of nature and the Commonwealth which is founded by the Hobbesian covenant. For him the state of nature is—as an "inclusive exclusion"—a constituent of the established civil order and thus no longer pre-political and merely antecedent or spatially external. For Agamben, the state of nature does not precede sovereign power, but is rather a product of it:

> Sovereignty thus presents itself as the incorporation of the state of nature in society, or, if one prefers, as a state of indistinction between nature and culture, between violence and law, and this very indistinction constitutes specifically sovereign violence. The

> state of nature is therefore not truly external to nomos but rather contains its virtuality.[59]

William Rasch summarizes these conclusions as follows: "The political does not replace nature; it creates it. The state from which Hobbes's sovereign rescues us is the state into which Agamben's sovereign plunges us."[60]

In Goethe's play, the social contract which supposedly puts an end to the state of nature is brought into question in a strikingly similar manner: if one takes another look at the dense explanation Weislingen provides, it is remarkable that Götz also features as the wolf threatening the pastoral prince. This twofold metaphorical reference on the one hand alludes to the danger to which the prince is exposed—as formulated in Machiavelli's famous advice that the prince must be wary of his feral enemies, the wolves.[61] On the other hand, it refers to the state of nature in Hobbes, where a man is a wolf to another man (*homo homini lupus*). In Weislingen's mini-narrative, Götz finds himself *outside* the commonwealth which is sustained and guaranteed by the power of the prince. When Götz eventually faces the imperial ban, which is meant to punish him for his sedition, he metamorphoses into what Giorgio Agamben terms a *homo sacer*. In the eponymous book *Homo Sacer I*, Agamben proposes a heuristically useful differentiation between bare life (*zoe*) and politically qualified life (*bios*). According to him, it is the law which defines the threshold between *zoe* and *bios*. *Zoe*, bare life, is the life that is excluded from the protective law, just as Götz is towards the end, when his existence is no longer politically qualified:

> The sovereign sphere is the sphere in which it is permitted to kill without committing homicide and without celebrating a sacrifice, and sacred life—that is, life that may be killed but not sacrificed—is the life that has been captured in this sphere. [...] What is captured in the sovereign ban is a human victim who may be killed but not sacrificed: homo sacer.[62]

This definition of sovereignty distinctly differs from the rational thought experiment in contractarianism. The changing of Götz's political fates, however, seems to corroborate Agamben's analysis. From the perspective of power, Götz's oscillation between "wolf" (*zoe*) and man (*bios*) quite accurately describes Agamben's "threshold of indistinction and of passage between animal and man, physis and nomos, exclusion and inclusion."[63] Götz as a wolf-man also sheds light on "the Hobbesian mythologeme of the state of nature. [...] at issue is not simply fera bestia and natural life but rather a zone of indistinction between the human and the animal."[64] Goethe seemed to be acutely aware of such a troubling understanding of sovereignty which departs from Hobbes's contractarian paradigm.

In the end, Götz comes to represent a tragic anachronism as he finds himself locked in a transitional state, still clinging to old forms of organization while being subjected to new social and political forces: Weislingen's narrative also casts Götz as a wolf that opposes beneficial developments and constitutes an obvious public danger to the community and the prince who protects it. Götz ultimately lives up to Weislingen's destructive image by forging a fatal alliance with the protagonists of the German Peasants' War. His dramatically inevitable (but historically false) death clarifies that he does not represent an alternative to the new legal and governmental developments in the sixteenth (and, indirectly, the eighteenth) century. The play does not suggest a return to older and better times but offers an incisive analysis of the problems and pitfalls of the emerging modern state. It undermines the self-explanatory master narrative of the social contract by navigating, redefining, recharging a common set of metaphors (among them, as I have tried to highlight throughout this argument, also virtually omnipresent comparisons, such as animal similes) and thus ultimately disrupting the intuitive grasp of the contract metaphor.

Many scholars have argued that one can only side with Götz by disregarding the benefits of modern civilization. Against the gory backdrop of the martial feud Götz stokes up, the state monopoly on legitimate violence materializes as an important disciplining and pacifying force. Philosophers such as Norbert Elias and Steven Pinker have scrutinized such developments from this angle: "The Leviathan, a state and judiciary with a monopoly on the legitimate use of force can defuse the [individual] temptation of exploitative attack, inhibit the impulse for revenge, and circumvent [...] self-serving biases."[65] Their interpretation also broadly draws on the social contract as an intuitively comprehensible solution to the problems of distribution and cooperation which puts an end to individual violence; in Pinker's case it becomes particularly clear that self-interest as an initial motivation is naturally sublimated in the sphere of the social contract where everybody benefits. This notion of the state's monopoly on legitimate violence in the context of contractarianism is, however, as I have tried to show, less straightforward in Goethe's play than the contract metaphor at first insinuates.

In his pursuit of glory, much like Adelheid and Weislingen, Fiesco is driven by self-interest; the conclusion of the contract in the play underscores a similar rational awareness of one's best interest based on which the best result is negotiated. Schiller, in unison with Thomas Scanlon as it were, understands "the relevant agreement as governed by a moral idea of mutual respect, one that would be inconsistent, indeed, with bargaining over fundamental terms of association in the way contractarianism proposes."[66] In *Fiesco*, Schiller suggests that mutual respect would allow us to escape the traps of contract theory. Without yet spelling out a coherent concept of recognition, Schiller deviates from the more immediately accessible notion of a contract: individual identity for him is processual

and dialogically connected with the corresponding social environment.[67] On this basis, the play emphatically deconstructs Hobbes's contractarianism as inappropriate, if not illogical.

DISCLOSURE STATEMENT

No potential conflict of interest was reported by the author(s).

1. Schiller probably only knew Hobbes's theory through secondary sources. Cf. Peter André Alt, *Schiller: Leben, Zeit und Werk*, vol. 1, (Munich: C.H. Beck 2000), 338–44. It is also unlikely that Goethe read Hobbes directly, but he knew Rousseau's *Second Discourse*, which included a polemic against Hobbes. He may have also known Hobbes through Spinoza, as he refers to both in *Dichtung und Wahrheit*.
2. Game refers to a strategically executed interaction (cf. the following), not to cultural and social play elements, such as Huizinga's notion of the *homo ludens*; nor does it refer to Schiller's complex notion of 'playing' in the *Aesthetic Letters*.
3. Cf. Susanne Lüdemann, *Metaphern der Gesellschaft: Studien zum soziologischen und politischen Imaginären* (Munich: Fink, 2004), 170.
4. Max Black, "Metaphor," *Proceedings of the Aristotelian Society, New Series* 55 (1954–1955): 273–94, 285–94.
5. Cf. Georg Lakoff and Mark Johnson, *Metaphors We Live by* (Chicago: Chicago University Press), 1980.
6. Cf. Georg Lakoff and Mark Johnson, *Philosophy in the Flesh: The Embodied Mind and its Challenges* (New York: Basic Books, 1999), 290–91.
7. Cf. Hugo Mercier and Dan Sperber, *The Enigma of Reason* (Cambridge, MA: Harvard University Press, 2017).
8. Mercier and Sperber, *The Enigma of Reason*, 31.
9. Cf. for example: Samuel Pufendorf, *De germana Imperii germanici forma* (1668); Renate Stauf, *Justus Mösers Konzept einer deutschen Nationalidentität: Mit einem Ausblick auf Goethe* (Tübingen: Niemeyer, 1991), 378–92; Detlev W. Schumann, "Goethe and Friedrich Carl von Moser. A Contribution to the Study of *Götz von Berlichingen*," *The Journal of English and Germanic Philology* 53, no. 1 (1954): 1–22.
10. On Goethe and Machiavelli see also Ritchie Robertson, "Goethe und Machiavelli," in *The Present Word: Culture, Society and the Site of Literature. Essay in Honour of Nicholas Boyle*, ed. by John Walker (Oxford: Legenda, 2013), 126–37.
11. Niccolò Macchiavelli, *The Prince*, transl. and ed. Peter Bondella (Oxford: Oxford University Press, 2005), 60–1.
12. Ottfried Höffe, "Provisorische Amoral," *Niccolò Machiavelli: Der Fürst*, ed. Höffe (Berlin: Akademie Verlag, 2012), 107–19.
13. Personal interest is a narrow and pointed translation of the complex German term "Interesse." For the latter's multiple layers cf. Ernst Wolfgang Orth and Jörg Fisch and Reinhart Koselleck, "Interesse," *Geschichtliche Grundbegriffe. Historisches Lexikon zur politisch-sozialen Sprache in Deutschland*, ed. Otto Brunner and Werner Conze and Koselleck (Stuttgart: Klett-Cotta, 1982), vol. 3, 305–65.
14. Bernard de Mandeville, *The Fable of the Bees* [Oxford, The Clarendon Press 1924], ed. F.B. Kaye, 2 vols. (Indianapolis: Liberty Fund, 1988), vol. 1, 4.
15. My translation: "[D]aß in dem Fall keiner auf sein eigen Sache allein sehen soll": Johannes Ferrarius, *Tractatus de republica bene instituenda: Das ist ein sehr nützlicher Traktat vom Gemeinen Nutzen* (Frankfurt a. M., 1601), 19, cited after Winfried Schulze, "Vom Gemeinnutz zum Eigennutz. Über den Normenwandel in der ständischen Gesellschaft der Frühen Neuzeit", *Historische Zeitschrift* 243, no. 3 (1986): 591–626, 598.
16. Cf. Schulze, "Vom Gemeinnutz zum Eigennutz," 600.
17. Ibid., 601.

18. Cf. Tilman Struve, *Die Entwicklung der organologischen Staatsauffassung im Mittelalter* (Stuttgart: Hiersemann, 1978).
19. Cf. Albrecht Koschorke and Susanne Lüdemann, "Erfundene Gründung: Livius' Rom," in *Der fiktive Staat: Konstruktionen des politischen Körpers in der Geschichte Europas*, ed. Koschorke et alia (Frankfurt am Main: Fischer Verlag 2007), 55–102; 15–45.
20. Cf. Schulze, "Vom Gemeinnutz zum Eigennutz," 599.
21. Leonhardt Fronsberger, *Von dem Lob deß Eigen Nutzen* (Frankfurt am Main: 1564), 13.
22. Cf. Koschorke and Lüdemann, "Erfundene Gründung: Livius' Rom," 60.
23. This specific embodiment of sovereignty becomes particularly tangible in the famous frontispiece of Hobbes's *Leviathan*. Cf. Horst Bredekamp, *Thomas Hobbes: Der Leviathan: Das Urbild des modernen Staates und seine Gegenbilder 1651–2001* (Berlin: Akademie Verlag, 2003).
24. These shifts were obviously never clear-cut; newer concepts of togetherness were also met with severe push-back, for example in Friedrich Carl von Savigny's position against the *Code Civil*. Cf. also Ethel Matala de Mazza, *Der verfaßte Körper: Zum Projekt einer organischen Gemeinschaft in der Politischen Romantik* (Freiburg: Rombach, 1999).
25. Cf. Münkler, *Im Namen des Staates*, 270, cf. also ibid., 270–80.
26. Horst Lange, "Wolves, Sheep, and the Sheperd: Legality, Legitimacy, and Hobbesian Political Theory in Goethe's Götz von Berlichingen," *Goethe Yearbook* 10 (2001): 1–30.
27. Cf. Herfried Münkler, "Das staatliche Gewaltmonopol seit Thomas Hobbes – eine Antwort auf die Religionskriege?" *Impulse der Reformation: Der zivilgesellschaftliche Diskurs*, ed. Ansgar Klein and Olaf Zimmermann (Wiesbaden: Springer VS, 2017), 31–39.
28. Thomas Hobbes, *Leviathan,* ed. Richard Tuck (Cambridge, UK: Cambridge University Press, 2007), 93. Hobbes's italics.
29. Hobbes, *Leviathan*, 105.
30. Johann Wolfgang von Goethe, "Goetz von Berlichingen with the Iron Hand," transl. Sir Walter Scott, *The Complete Works of Sir Walter Scott: With a Biography, and His Last Additions and Illustrations* (New York: Conner and Cooke, 1833), vol. 1, 814.—"Wie geht's zu! Wenn ein Kaufmann einen Pfeffersack verliert, soll man das ganze Reich aufmahnen; und es wenn Händel vorhanden sind, daran Kaiserliche Majestät und dem Reich viel gelegen ist, daß es Königreich, Fürstenthum, Herzogthum und anders betrifft, so kann euch kein Mensch zusammen bringen." Johann Wolfgang von Goethe, in *Goethes Werke* (Weimarer Ausgabe), Section I, vol. 8, 80–82, in the following *WA*.
31. Goethe, "Goetz von Berlichingen with the Iron Hand," 819.—"Hab' ich nicht unter den Fürsten treffliche Menschen gekannt, und sollte das Geschlecht ausgestorben sein? Gute Menschen, die in sich und ihren Unterthanen glücklich waren; die einen edeln freien Nachbar neben sich leiden konnten, und ihn weder fürchteten, noch beneideten […] Jeder würde das Seinige erhalten und in sich selbst vermehren, statt daß sie jetzo nicht zuzunehmen glauben, wenn sie nicht andere verderben" (WA I, 8, 114–15).
32. Goethe, "Goetz von Berlichingen with the Iron Hand," 807.—"Du [Götz] siehst die Fürsten an wie der Wolf den Hirten. Und doch, darffst du sie schelten, daß sie ihrer Leut und Länder Bestes wahren? Sind sie denn einen Augenblick vor den ungerechten Rittern sicher, die ihre Unterthanen auf allen Straßen anfallen, ihre Dörfer und Schlösser verheeren? Wenn nun auf der andern Seite unsers theuern Kaisers Länder der Gewalt des Erbfeindes ausgesetzt sind, er von den Ständen Hülfe begehrt, und sie sich kaum ihres Lebens erwehren: ist's nicht ein guter Geist, der ihnen einräth, auf Mittel zu denken, Deutschland zu beruhigen, Recht und Gerechtigkeit zu handhaben, um einen jeden, Großen und Kleinen, die Vortheile des Friedens genießen zu machen. Und uns verdenkst du's, Berlichingen, daß wir uns in ihren Schutz begeben, deren Hülfe uns nah ist, statt daß die entfernte Majestät sich selbst nicht beschützen kann" (WA I, 8, 31).
33. Hobbes, *Leviathan*, 89.
34. Ibid., 120.
35. Cf. Peter Preu, *Polizeibegriff und Staatszwecklehre: Die Entwicklung des Polizeibegriffs durch die Rechts- und Staatswissenschaften des 18. Jahrhunderts* (Göttingen: Schwartz, 1983); Diethelm Klippel, "Reasonable Aims of Civil Society: Concerns of German Political Theory in the Eighteenth and Early Nineteenth Centuries," *Rethinking Leviathan: The Eighteenth-Century State in Britain and Germany*, ed. John Brewer and Eckhart Hellmuth (Oxford: Oxford University

Press, 1999), 71–98; Christoph Link, *Herrschaftsordnung und bürgerliche Freiheit*, (Wien: Böhlau, 1979).

36. Wolfgang Burgdorf points out that the empire cannot necessarily be understood as a state without reflecting on its composition of territories; and vice versa to attribute statehood to the territories, as they do not exert sovereignty in the actual sense (as a state) within Europe. Cf. Wolfgang Burgdorf, "'Das Reich geht mich nichts an': Goethes *Götz von Berlichingen*, das Reich und die Reichspublizistik," in *Imperium Romanum – Irregulare Corpus – Teutscher Reichsstaat. Das Alte Reich im Verständnis der Zeitgenossen und der Historiographie*, ed. Matthias Schnettger (Mainz: Philip von Zabern, 2002), 27–52.
37. Cf. Michel Foucault, *Society Must Be Defended: Lectures at the Collège de France, 1975-76*, transl. David Macey (London: Penguin, 2003).
38. Hobbes, *Leviathan*, 96.
39. Robert Axelrod, *The Evolution of Co-Operation: With a Foreword by Richard Dawkins* (London: Basic Books, 1990), 7–8. "This reasoning does not apply if the players will interact an indefinite number of times. As will be shown later, with an indefinite number of interactions, cooperation can emerge. The issue then becomes the discovery of the precise conditions that are necessary and sufficient for cooperation to emerge." Ibid., 10–11.
40. Hasso Hofmann, "Die klassische Lehre vom Herrschaftsvertrag und der 'Neo-Kontraktualismus'," in *Öffentliches Recht als ein Gegenstand ökonomischer Forschung: Die Begegnung der deutschen Staatsrechtslehre mit der konstitutionellen politischen Ökonomie*, ed. Christoph Engel and Martin Morlok (Tübingen: Mohr Siebeck, 1998), 257–78: 257–58.
41. Of course, Götz himself is a complex protagonist with questionable traits, who cannot be seen as a general, positive antithesis in play. Cf. Lang, "Wolves, Sheep, and the Shepherd."
42. Friedrich Schiller, *Fiesco's Conspiracy at Genoa*, transl. Flora Kimmich, with an introduction and notes to the text by John Guthrie (Cambridge, UK: OpenBook Publisher, 2015), 45–46.—"Dieser, gewohnt, das Schlachtvieh an das Messer zu hezen, haußte hündisch im Reich, klafte, biß, und nagte die Knochen seines Volks. Die Nation murrte, die kühnsten traten zusammen, und erwürgten den fürstlichen Bullen. Izt ward ein Reichstag gehalten, die große Frage zu entscheiden, welche Regierung die glüklichste sei?" Friedrich Schiller, "Fiesko," in *Schillers Werke* (Nationalausgabe), ed. Norbert Oellers et al., vol. 4, 49. Subsequent Schiller quotations will be taken from this edition, referenced as *NA*, and followed by the volume and page number.
43. Schiller, *Fiesco's Conspiracy*, 46.—"Lamm, Hase, Hirsch, Esel, das ganze Reich der Insekten, der Vögel, der Fische ganzes menschenscheues Heer – alle traten dazwischen und wimmerten: Friede!" (NA, 4, 49).
44. Schiller, *Fiesco's Conspiracy*, 46, Schiller's italics.—"Wölfe besorgten die Finanzen. Füchse waren ihre Sekretaire. Tauben führten das Kriminalgericht, Tyger die gütlichen Vergleiche, Böke schlichteten Heurathsprozesse. Soldaten waren die Haasen, Löwen und Elephant blieben bei der Bagage, der Esel war Gesandter des Reichs, und der Maulwurf Oberaufseher über die Verwaltung der Aemter" (NA, 4, 50–51).
45. As the people of Genoa prove gullible, the notion of democracy as such is performatively undermined—this certainly corresponds with Schiller's own views on democracy. Cf. Yvonne Nilges, "Schiller und die Demokratie," in *Who Is This Schiller Now: Essays on His Reception and Significance*, ed. Jeffrey L. High and Nicholas Martin and Norbert Oellers (New York: Camden House, 2011), 205–16.
46. Georg Wilhelm Friedrich Hegel, "Grundlinien der Philosophie des Rechts," in *Gesammelte Werke*, vol. 14.1, ed. Klaus Grotsch and Elisabeth Weisser-Lohmann (Hamburg: Felix Meiner, 2009), § 71, 76.
47. Cf. Laura Anna Macor, "Die Moralphilosophie des jungen Schiller," in *Who Is this Schiller now: Essays on His Reception and Significance,* ed. Jeffrey L. High and Nicholas Martin and Norbert Oellers (New York: Camden House, 2011), 99–115.
48. Cf. on this specific point: Axel Honneth, *The Struggle for Recognition: The Moral Grammar of Social Conflicts*, transl. Joel Anderson (Cambridge: Polity, 1995).
49. Peter Timmerman, *Moral Contract Theory and Social Cognition: An Empirical Perspective* (Heidelberg: Springer 2014), 11, italics by Timmerman.

50. Thomas Scanlon, *What Do We Owe to Each Other* (Cambridge, MA: Harvard University Press, 2000), 153.
51. Scanlon, *What Do We Owe to Each Other,* 191.
52. Ibid., 194.
53. Alasdair MacIntyre, *After Virtue* (Notre Dame, Notre Dame Press, 1981), 221.
54. Michael J. Sandel, *Liberalism and the Limits of Justice* (Cambridge, UK: Cambridge University Press, 1982), 172–3.
55. For more on this alternative vision cf. Claudia Nitschke, *Anerkennung und Kalkül: Literarische Gerechtigkeitsentwürfe im gesellschaftlichen Umbruch (1773–1819)* (Paderborn: Fink, 2020), 101–62.
56. Cf. Lüdemann, *Metaphern der Gesellschaft*, 167.
57. Cf. Leo Strauss, "Comments on Carl Schmitt's Der Begriff Des Politischen," in *Carl Schmitt: The Concept of the Political* (New Brunswick: Rutgers University Press, 1976), 81–105.
58. Strauss, Comments, 88.
59. Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, transl. Daniel Heller-Roazen (Stanford: Stanford University Press, 1998), 35.
60. William Rasch, "From Sovereign Ban to Banning Sovereignty," in *On Agamben: Sovereignty and life*, ed. Matthew Calarco and Stephen DeCaroli, (Stanford: Stanford University Press, 2007), 92–108, 101.
61. "The lion cannot defend himself from traps, and the fox cannot protect himself from the wolves." Machiavelli, *The Prince*, 60. From which of course we are supposed to infer that the prince has to be both strong and smart.
62. Agamben, *Homo Sacer*, 53, italics in original.
63. Agamben, *Homo Sacer*, 105.
64. Ibid., 105–06.
65. Cf. Steven Pinker, *The Better Angels of Our Nature. The Decline of Violence in History and Its Causes* (London: Allen Lane, 2011), XXVI.
66. Stephen Darwall, "Introduction," in *Contractarianism/Contractualism*, ed. Darwall (Oxford: Blackwell Publishing, 2003), 1–8, 4. Schiller takes this position even one step further by implying that recognition helps shape the individual and is thus also constitutive for personal identity.
67. Cf. Jürgen Lawrenz, "Hegel, Recognition and Rights: 'Anerkennung' as a Gridline of the Philosophy of Rights," *Cosmos and History. The Journal of Natural and Social Philosophy* 3, nos. 2–3 (2007): 153–69.

Claudia Nitschke is Professor of German at Durham University, UK. Before coming to Durham, she was a Praelector (DAAD) at Lincoln College, Oxford, and lecturer at the University of Tübingen. She has published monographs on Achim von Arnim (*Utopie und Krieg*, 2004), notions of 'fatherhood' in German literature (*Der öffentliche Vater*, 2012), and recognition and justice in the Age of Goethe (*Anerkennung und Kalkül*, 2020). She has also co-edited volumes on the interrelations between family and national identity (*Familie und Identität in der deutschen Literatur*, 2009), and on public houses in eighteenth-century German and English drama (*Gastlichkeit und Ökonomie*, 2014).